

BRUCE A. BLAKEMAN
County Executive



THOMAS A. ADAMS
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

August 2, 2022

VIA ECF

Hon. Ann M. Donnelly
United States District Court/Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Victor Juzumas v. Nassau County (17-CV-03049 (AMD)(JO))

Your Honor:

This office represents defendant Nassau County in the above-referenced action. The Court has scheduled a conference for August 3, 2022 at 10:00 a.m., to address Nassau County's policy in effect regarding long gun possession. I filed a letter on July 18, 2022 [DE 50] and plaintiff's counsel, Amy Bellantoni, Esq. filed a response on July 21, 2022 [DE 51]. The purpose of this letter is to clarify defendants' current position, and to respond to certain inaccuracies contained in plaintiff's letter.

In her letter Ms. Bellantoni included as Exhibit "3" a letter from the Nassau County Police Department ("NCPD") to plaintiff Victor Juzumas dated November 4, 2015, in which NCPD stated that as a result the revocation of plaintiff's pistol license, he was prohibited from owning rifles or shotguns ("longarms"). In Exhibit "2" to her letter, Ms. Bellantoni included excerpts from the deposition transcript of Lt. Marc Timpano, Commanding Officer of NCPD's Pistol License Section, in which he described NCPD's policy in place at the time of the deposition, i.e., September 5, 2018.

Both the November 4, 2015 letter to plaintiff Juzumas, and Lt. Timpano's September 5, 2018 testimony, are outdated. Subsequent to Lt. Timpano's deposition, NCPD adopted a policy under which a pistol licensee whose license is revoked must surrender all handguns and longarms *at the time of revocation*. However, following revocation, the former licensee is free to purchase or possess different longarms without restriction. By way of example, annexed hereto as Exhibit "A" is an NCPD letter dated April 11, 2019 letter to a revoked licensee. This more recent letter is substantially different from the November 4, 2015 letter NCPD sent to plaintiff Juzumas, in that the new letter does not contain the passage, "As directed by New York State Penal law section 400 and the New York State Secure Ammunitions and Firearms Enforcement Act, you are prohibited from possessing firearms, rifles, shotguns." Instead, the newer letter simply states that "in accordance with NYSPL § 400 and the New York State Secure Ammunitions and Firearms Enforcement ("SAFE") Act of 2013, you must surrender your pistol license and handguns to the Pistol License Section. Additionally, any rifles and/or shotguns in your possession must also be surrendered to the Pistol License Section pursuant to NYSPL § 400(11)." The newer letter, and NCPD's current position, does not prohibit a revoked licensee from purchasing or possessing longarms other than those seized at the time of revocation.

I hope that this letter clarifies NCPD's current position with respect to ownership of longarms by individuals whose pistol licenses are revoked.

Thank you for your attention in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: (Via ECF)

Amy Bellantoni, Esq.
Attorney for Plaintiff

EXHIBIT A

Nassau County



Police Department

LAURA CURRAN
COUNTY EXECUTIVE

1490 Franklin Avenue
Mineola, New York 11501
(516) 573-8800

PATRICK J. RYDER
COMMISSIONER

Notice of Pistol License Revocation

April 11, 2019

Via Certified Mail, Return Receipt Requested

[REDACTED]
Seaford N.Y. 11783

Re: Pistol License No. [REDACTED]

Dear [REDACTED],

COPY

Please be advised that your Nassau County pistol license is hereby **revoked**, effective immediately.

After a complete and thorough investigation by the Pistol License Section, it has been determined that sufficient evidence exists to warrant revocation of your pistol license pursuant to New York State Penal Law ("NYSPL") §400.00 and the Nassau County Police Department Pistol License Section Handbook Chapter 1, Section I(1) and Section I(2). Specifically, the factors that contributed to this determination included:

- Violations of PLS Handbook
- Lack of Good Moral Character
- Driving Record Violation History
- Failure to Safeguard Weapons
- Arrest History
- History of Domestic Violence Incidents
- Continuance of Order of Protection

In accordance with NYSPL §400.00 and the New York State Secure Ammunitions and Firearms Enforcement ("SAFE") Act of 2013, you must surrender your pistol license and handguns to the Pistol License Section. Additionally, any rifles and/or shotguns in your possession must also be surrendered to the Pistol License Section pursuant to NYSPL §400.00(11). All rifles and/or shotguns previously surrendered will remain in the custody of the Pistol License Section.

Within thirty (30) days of the receipt of this letter, you must take the appropriate action to remove any and all handguns, rifles and/or shotguns from the Pistol License Section. Such action includes either a transfer of ownership to a properly licensed individual, sale to a licensed gun dealer, or a request for destruction of the handguns, rifles, and/or shotguns. Please contact the Pistol License Section at (516) 573-7559 or the Property Bureau at (516) 573-7641 to arrange for appropriate action to be taken. If such action is not taken within thirty

(30) days of receipt of this letter, the handguns, rifles, and/or shotguns will be declared nuisance property and subject to disposition by operation of law.

Please be further advised that you have the ability to appeal both the revocation of your pistol license and the confiscation of your rifles and/or shotguns. As prescribed in Chapter 1, Section I(5) of the Nassau County Police Department Pistol License Section Handbook, in order to initiate an appeal, you must send a letter to the Pistol License Section *via certified mail within ten (10) days* requesting an appeal. Upon receipt of this letter, the Pistol License Section will provide you with the instructions regarding the appeal process. You must follow these instructions in order to exercise your right to an appeal. The revocation of a pistol license and confiscation of rifles and/or shotguns are subject to separate and distinct reviews by the Appeals Officer. The Appeals Officer will review each of these administrative decisions independently and render a decision based on applicable law.

If you do not appeal the revocation of your pistol license, or if a timely-filed appeal concludes and the revocation is upheld by the Appeals Officer, you must wait a minimum of five (5) years from either the date of revocation or the appeal decision, whichever is later, before reapplying for a pistol license.

Please direct any questions to the Pistol License Section during its hours of operation – Monday and Friday between 8:00 A.M. and 5:00 P.M., and Tuesday and Thursday between 9:00 A.M. and 7:00 P.M. All information regarding the Pistol License Section's policies and procedures can be referenced in the Pistol License Section Handbook, which is available on the Nassau County Police Department website at www.pden.org.

Pistol License Section
Office of the Commissioner of Police
Nassau County Police Department